Crynes 955

THE

TRYALS

OF

Peter Boss, *George Keith*, *Thomas Budd*, and *William Bradford*,

QUAKERS,

For several Great Misdemeanors

(As was pretended by their Adversaries) before

A Court of Quakers:

At the Sessions held at *Philadelphia* in *Pensylvania*, the Ninth, Tenth, and Twelfth Days of *December*, 1692.

Giving also an Account of the most Arbitrary Procedure of that Court.

LICENSED,

Octob. 19*th.* 1693. *Dan. Poplar.*

Printed first Beyond-Sea, and now Reprinted in *London*, for Richard Baldwin in *Warwick-lane.* 1693.

BIBLIOTHECA BODLEIANA

The Introduction.

TO the end that all Impartial People may have a right understanding in the present Prosecution, I intend to give a short Relation of the first rise, and cause, and ground of this present Difference, and Persecution.

In the Year 1689. by the good Providence of God *George Keith* was earnestly invited to remove from his Plantation in *East-Jersey*, to keep a School in *Philadelphia*, which he did; but kept an Usher, and spent a great part of his time in Reading, Meditation, Visiting Meetings, and answering the Conscientious Doubts and Questions of many People; and there was a more than ordinary seeming Satisfaction in general among the People called *Quakers*, that they were so favoured with the assistance of *George Keith*. But alas! this great love was but short-liv'd; and as in other Cases one Extream begets the contrary, so in this; for their love and respects to him were never so great, but now the Envy and Hatred of many exceeds; and that upon the account of his Christian Testimony. For it was but a little time that he had been amongst us, and preached the true Faith of Christ, both without and within, but some began to be dissatisfied, and whispered it about in private, which, when he came to understand, he laboured in much love and tenderness to undeceive and satisfie those that he came to know were dissatisfied; and some did receive good Satisfaction; but others cast his Labours of Love behind their backs; and much whispering and back-biting there were in private against the Doctrine held forth by *G. K.* and some began to contradict his Testimony in publick Meetings; but yet this were born with, and no open Difference until one *William Stockdale* accused *Geo. Keith* of *Preaching Two Christs*, because he held forth (as necessary to our Salvation) *The Faith of Christ as he died for our Sins, rose again for our Justification, and ascended into Heaven, and is in Heaven in the true and intire glorified Nature of Man, our Mediator with the Father*; and also, *That Christ was spiritually present by his Light and Life, in all his Children.* Whereupon he dealt with him, and endeavoured much to convince him, but not prevailing, *G. K.* laid it before a Meeting of them of the Ministry, but they did nothing in the matter, but chiefly blame

and contradict *G. K.* in his Doctrine. Whereupon *G. K.* did again renew his complaint to them of the Miniſtry at the Yearly Meeting at *Philadelphia* the 7th Month, 1691. deſiring to know their ſence and judgment, *viz. Whether to preach Faith in Chriſt within us, and Faith in Chriſt without us, was to preach Two Chriſts, or One?* and ſix Meetings were held in debate about this matter, and yet nothing done in it: So this paſt on, and ſome Months after *Tho. Fitzwater* openly in a Monthly Meeting accuſed *G. Keith, That he denied the ſufficiency of the Light*; which *G. K.* denied, but *T. F.* ſaid, *he would prove it at the next Monthly Meeting*; which being come, *G. K.* called on *T. Fitzwater* to prove his Charge, which he endeavoured to do, and brought *W. Stockdale* for his Evidence, but to no purpoſe, only *W. Stockdale* again renewed his Charge againſt *G. K.* in the open Meeting, to the admiration of many, to ſee his great Ignorance and Impudence; but ſeeing that *T. F.* was not like to prove his Charge againſt *G. K. Thomas Lloyd*, and ſome few others withdrew, yet the generality of the Meeting ſtayed, and after ſome time it growing dark, *John Jennet*, (a great ſtickler againſt *G. K.*) deſired that the Meeting might be adjourned till the next day, which was unanimouſly agreed unto, and alſo by *Tho. Fitzwater*; the next day all Parties appeared, and great and long Contention there was moſt part of that day betwixt *George Keith* and *Tho. Lloyd*, *Arthur Cook*, &c. *G. K.* affirming and arguing for the *Neceſſity of the Faith of Chriſt crucified, &c.* the others denying, and arguing, *That the Light within was ſufficient without the Man Chriſt Jeſus*, &c. but finding that the ſtream went againſt them, *T. Lloyd*, *A. Cook*, and ſome others withdrew, and the Meeting (conſiſting of at leaſt Sixty Monthly-Meeting Members) proceeded and gave Judgment againſt *T. Fitzwater* and *W. Stockdale*, the ſubſtance of which was, *That they ſhould forbear preaching and praying in Meetings till they had condemned their Ignorance and Unbelief*, &c. but at the next Quarterly Meeting, a Party withſtood the ſaid Judgments, and ſaid, *That the Perſons being Miniſters, none but them of the Miniſtry were fit to judge*; which many thought reliſht too much of *Popery*; yet notwithſtanding many ſhowed their diſlike thereto, *Tho. Lloyd*, *Arthur Cook*, *Sam. Jenings*, &c. denied the ſaid Meeting and Judgment; and then it was that *T. Lloyd*'s Party changed their time and place of meeting againſt and contrary to the declared mind of their then Brethren, who gave their Reaſons why they conſented not to the changing the Time and Place of Meeting; but prevailed nothing with them, for the next firſt Day *George Keith* and Party met at the uſual time and place, and *Tho. Lloyd* and Party went to the Meeting-houſe at the Centre, which made the firſt Seperation. Now the Difference being thus far advanced, cauſed much

diſcourſe

diſcourſe and enquiry into the matter by all ſorts of People, and great flocking to Meetings there was, both in Town and Country, where *G. K.* came, and his Teſtimony had much reception in the Hearts of many; which being perceived by *Tho. Lloyd* and Party, the only Expedient they could deviſe, was to condemn *G. K.* Whereupon the 20th of the 4th Mon. 1692. Twenty Eight of them called Miniſters, met together at *Philadelphia* and without ever ſo much as acquainting *G. K.* publiſhed a Paper of Judgment againſt him, condemning him as a *Perſon without the fear of God before his Eyes*, &c. which done, *Thomas Lloyd*, *Samuel Jenings*, *Arthur Cook*, *John Delavall*, and others, made it their buſineſs to follow *G. K.* from Meeting to Meeting, violently oppoſing his Teſtimony, and ſometimes making uſe of their Magiſtratical Power to effect their Deſigns, which cauſed great Conteſts and Confuſions; and *G. K.* from time to time complaining of their Injuſtice, for condemning of him without all Hearing or Trial, upon a time in *Cheſter*-County *Tho. Lloyd* ſaid, *George, if thou thinkeſt thy ſelf aggrieved by that Judgment, there is relief for thee; thou mayſt appeal to the Yearly Meeting, which is now approaching*; which Advice *G. K.* followed, and made an Appeal to the ſaid Yearly Meeting, and propoſed twelve particular Heads to be conſidered, diſcourſed of, and reſolved by the People called *Quakers* at the ſaid Yearly Meeting, and that they might have timely notice of the ſaid Appeal, and be the better prepared to anſwer it, *G. K.* procured the ſaid *Appeal* to be printed. Which was no ſooner done, but they iſſued forth a Warrant, and apprehended *William Bradford* the Printer, and *John M"comb*, who (as they were informed) had diſpoſed of two of the ſaid Papers, and committed the ſaid *W. B.* and *J. M.* to Goal; and alſo ſeized all the ſaid Papers they could meet with, and took away a good quantity of *W. Bradford's Letters*, tending to the diſabling of him to work for his Wife and Children; and upon pretence of another Warrant granted without any Conviction, Signed by *Samuel Jenings* and *Robert Ewer* Juſtices, *John White* the Sheriff took Goods out of the Shop of *Will. Bradford*, half as much more as the ſaid Warrant was for. Whether theſe Actions are moſt like to the poor deſpiſed and perſecuted *Quakers*, or their Perſecutors, is left to all impartial People to judge.

Here follows a Copy of the *Mittimus*.

WHereas William Bradford *Printer*, and John M"Comb *Taylor*, *being brought before us, upon an Information of Publiſhing, Uttering and Spreading a Malicious and Seditious Paper, Entituled*, An Appeal from the twenty eight Judges to the Spirit of Truth, *&c. Tending to the Diſturbance of the Peace, and Subverſion of the preſent Government*;

ment; and the ſaid Perſons being required to give Security to anſwer it at the next Court, but they refuſing ſo to do,

Theſe are therefore by the King and Queen's Authority, and in our Proprietary's Name, to require You to take into your Cuſtody the Bodies of William Bradford *and* John M'Comb, *and them ſafely keep till they ſhall be diſcharged by due Courſe of Law. Whereof fail not at your Peril; and for your ſo doing, this ſhall be your ſufficient Warrant. Given under our Hands and Seals this 24th of* Auguſt, 1692.

Theſe to John White *Sheriff of* Philadelphia, *or his Deputy.*

Arthur Cook, Humphry Murrey,
Samuel Jennings, Robert Ewer.
Samuel Richardſon,

Now though they had got theſe two poor Men into Goal, and tho' all ſober People did reſent their Proceedings very ill, and as proceeding from a cruel Spirit of Perſecution; yet the next day they met again, in order to proceed againſt *G. K.* and ſeveral other Perſons in the like manner, and ſent for two other Juſtices that were not called *Quakers*, to aſſiſt them in this work of proſecuting ſeveral ſeditious and dangerous Perſons, that were like to ſubvert the Government, as they pretended; but contrary to their Expectation, the ſaid two Juſtices that were not called *Quakers*, viz. *Lacy Cook* a *Lutheran*, and *John Holme* a *Baptiſt*, declared their diſſent from them in theſe Proceedings, ſignifying, *That the matter was a Religious Difference among themſelves*, (viz. the Quakers) *and did not relate to the Government*; *John Holme* particularly adviſing them *to ſend for* Geo. Keith, *and let him interpret his own words; and upon a hearing of him, if it any way appears that he ſtrikes at the Government, I will* (ſaid Juſtice *Holme*) *joyn with you againſt him with Heart and Hand.* But this Advice had no weight with them; whereupon the ſaid two Juſtices left them, and our New modelled Perſecuting, *Quakers* being warmly bent to root out Sedition forſooth! proceeded in their Work, and as they had judged *G.K.* in their Spiritual Court without all Hearing or Trial, ſo in like manner they proſecuted him in their Temporal Court without all hearing. Why? to have done otherwiſe would have given the Lie and Contradiction to their *Spirit of Diſcerning*, which Juſtice *Cook* declared to be ſuch, *That they could judge of matters of Fact without Evidence*; and therefore it would have been ridiculous for them to have ſent for *G.K.* and asked him, *Whether he was the Author of ſuch a Paper that his Name was to?* Or to have enquired of him, *Whether it was againſt the Government that he intended by ſuch and ſuch words therein?* No, for their Spirit of *Diſcerning* told them all that, and therefore without more to

do,

do, proclaimed *G. K.* by the common Crier in the Market-place, *To be a Seditious Person, and an Enemy to the King and Queens Government:* But these Magistrates would do well to consider the Actions and End of *Empson* and *Dudly*, and whether they have not violated the Fundamental Laws of *English Subjects* as well as they, and that in convicting Men without Trial, as shall be made appear anon, *1st.* in the Case of *George Keith* and *Tho. Budd.* *2ly*, In the Case of *William Bradford.* And, *3ly*, in the Case of *John McComb.*

1st. Here follows a Copy of the Publick Writing that was proclaimed by the Common Crier in the Market-place against *G. K.*

At a Private Sessions held for the County of *Philadelphia* the *25th* of the *6th* Month, 1692. before *Arthur Cook, Samuel Jenings, Samuel Richardson, Humphry Murry, Anthony Morris, Robert Ewer,* Justices of the County.

Whereas the Government of this Province, being by the late King of England's *peculiar Favour vested, and sithence continued in Governour* Penn, *who thought fit to make his and our worthy Friend* Thomas Lloyd *his Deputy Governour, by and under whom the Magistrates do act in this Government. And whereas it hath been proved before us, that* George Keith *being a Resident here, did, contrary to his Duty, publickly revile the said Deputy Governour, calling him an impudent Man, telling him he was not fit to be Governour, and that his Name would stink, with many other slighting and abusive Expressions, both to him and the Magistrates; and he that useth such Exorbitancy of Speech towards the said Governour, may be supposed will easily dare to call the Members of Council and Magistrates Impudent Rascals, as he hath lately called one in an open Assembly, that was constituted by the Proprietary to be a Magistrate. And he also charges the Magistrates, who are Ministers here, with engrossing the Magistratical Power into their Hands, that they might usurp Authority over him, saying also, He hoped in God he should shortly see their Power taken from them; which he acted in a most indecent manner. And further, the said* G. K. *with several of his Adherents, having some few days since, with an unusual Insolency, by a printed Sheet, called* an Appeal, &c. *Traduced, and vilely misrepresented the Industry, Care, Readiness and Vigilancy of some Magistrates, and others here, in their late Proceedings against some Privateers,* viz. Babit *and his Crew, in order to bring them to Condign Punishment, whereby to discourage such Attempts for the future; and hath thereby also defamed and arraigned the Determinations of Provincial Judicatory against Murtherers; and not only so, but by a wrong Insinuation have laboured to possess the Readers of their Pamphlet, That it is inconsistent for those who are Ministers of the Gospel to act as Magistrates.*——

Now

Now foraſmuch as we, as well as others, have born, and ſtill do patiently endure the ſaid George Keith *and his Adherents many perſonal Reflections againſt us, and their groß Revilings of our Religious Society, yet we cannot without the Violation of our Truſt to the King and Governour, as alſo to the Inhabitants of this Government, paß by or connive at ſuch part of the ſaid Pamphlet and Speeches, that have a tendency to Sedition and Diſturbance of the Peace, as alſo to the Subverſion of the preſent Government, or to the aſperſing the Magiſtracy thereof. Therefore for the undeceiving of all People, we have thought fit by this Publick Writing, not only to ſignifie that our Procedure againſt the Perſons now in the Sheriff's Cuſtody, as well as what we intend againſt others concerned, in its proper place, reſpects only that part of the ſaid printed Sheet, which appears to have the tendency aforeſaid, and not any part relating to Differences in Religion. But alſo, theſe are to Caution ſuch who are well affected to the Security, Peace and Legal Adminiſtration of Juſtice in this place, that they give no Countenance to any Revilers and Contemners of Authority, Magiſtrates or Magiſtracy; as alſo, to warn all other perſons, that they forbear the future publiſhing and ſpreading of the ſaid Pamphlet, as they will anſwer the contrary at their Peril. Given under our Hands and County Seal, the Day, Year and Place aforeſaid.*

Arthur Cook, Humphrey Murrey,
Samuel Jenings, Robert Ewer,
Samuel Richardſon, Anthony Morris.

Note, There being an Anſwer to this Proclamation publiſhed in Print by *O. R.* and *T. B.* I ſhall only in this place make the following Obſervations.

Firſt, They ſay, *At a private Seſſions, &c.* and then relate a Preamble of the *Government being veſted in* W. Penn, *who had made* T. Lloyd *his Deputy, &c.* Did they think to tell us News in this? Or did they think we had forgot *Thomas Lloyd* was Deputy-Governour? Surely methinks not the latter, ſince we have been ſo ſmartly remembred thereof by his Agent *White*, who (when they could not effect their late great Tax) [*Here the Copy being blotted, it could not be read.*] ſo that one would think that Paſſage might have been ſpared: Oh, but 'tis plain their end therein is to inſinuate, *That* Geo. Keith *being legally and judicially brought before the Governour to anſwer to ſome heinous Crime and Miſdemeanour, and that a multitude of People were preſent to hear how he could anſwer for himſelf*; (for they ſay, *publickly reviled, &c.*) *yet this* G. K. *like a rude man, tho' he pretends to be a Miniſter, was ſo far from behaving himſelf before the Governour like a Chriſtian, that he fell a reviling him, and amongſt other ſcandalous Expreſſions, ſaid to him, Thou impudent Man, thou*

thou art not fit to be Governour, thy Name will ſtink. Certainly their drift was to poſſeſs their Readers with this Belief, as is clear and evident from their following ſuppoſition, or rather ſuggeſtion, where they ſay, *He that uſeth ſuch Exorbitancy of Speech to the Governor, will eaſily dare to call the Members of Council and Magiſtrates Impudent Raſcals, as he hath lately called one in an open Aſſembly, who was conſtituted by the Governour to be a Magiſtrate.* Which alſo is a baſe and wicked Inſinuation; for *George Keith* never ſpoke thoſe words to any of them as Magiſttates or Officers in the Government, neither did he ever ſpeak to the preſent Governour all thoſe words together, as is inſinuated by the ſaid Paper, but on the contrary, what he ſpoke to *Tho. Lloyd* was in Monthly Meetings and Religious Controverſies; and *T. Lloyd* hath ſaid ſeveral times, *That he would take no advantage by words ſpoke at ſuch times*; but we find them practiſe the contrary; for on a certain time *T.L.* ſtood up, and affirmed, *That* G.K. *was guilty of Contradiction*; and being put to prove it, ſaid, *That fifteen years ago in his printed Books he owned the Seed to be Chriſt.* Whereupon *G. K.* ſaid, *Thou impudent man, I do not deny it now, but own it as much as ever.* But by all the diligent enquiry that I have made, I cannot find that *G.K.* ſaid, he was not fit to be Governour, [*Here the Copy being blotted, it could not be read.*]

ſecond Chapter of the Laws of this Province, *That all Officers and Perſons commiſſioned and employed in the Government, ſhall be ſuch as profeſs and declare, They believe in Jeſus Chriſt to be the Son of God the Saviour of the World*, &c. [*Here again the Copy was blotted.*]

And as to *G. K.* ſaying, *That his Name would ſtink, T. L.* knows in his Conſcience, that it was ſpoke to him only as he was one of the 28 unjuſt Judges for giving of falſe Judgment againſt him, and that without all hearing or trial. And as touching the Perſon whom they ſay he call'd *Impudent Raſcal*, it was one whom he knew not to be conſtituted, as they ſay he was; but his Brother being ſo conſtituted, and refuſing to ſerve, the People of the Town choſe him in his Brothers ſtead to ſerve as a Magiſtrate within that Town Bounds, which was altogether unknown to *G. K.* and therefore *Paul*'s Excuſe, *Acts* 23. 4. *I wiſt not Brethren that it was the High Prieſt*, might be an Apology for him. But let us conſider the word *Raſcal*; according to *Goldman*'s Dictionary, a *Raſcal* is a *Brawler* and *Empty Talker*, and *one that deceiveth his Neighbour by falſe and weak Arguments*; and *Cole* in his *Latine* and *Engliſh Dictionary* ſaith, the Latin word *Nebulo* comet of the *Hebrew* word נבל *Nabal*, and any ordinary School-boy that hath but learned his Accidence, knoweth that *Nebulo* ſignifieth *Raſcal, Villain, Knave* or *Rogue*; and in Scripture we find the ſame word, ſee

Isa. 32. 6. כי נבל נבלה יבבר *For the Rascal will speak Villany*; and *Jer.*29.23. עשו נבלה *They commit Villany*; and as *Gouldman* in his Dictionary saith, a *Villain* and a *Rascal* is of the same Signification. But this Person whom they mention went about to deceive his Neighbours by false and weak Arguments, *viz. That he did not expect to be saved by that which died at* Jerusalem; *And that God was not present in all his Creatures*; which Unchristian and Atheistical Principles *G. K.* being about to refute in a Monthly Meeting, and holding forth, *That God was present in all his Creatures*, this Person stood up, and with much opposition questioning, as *Paul*'s Fool did about the Resurrection, said in a rude and boysterous manner, *What*, George, *doth the Spirit of God speak in Trees?* Whereupon *G.K.* said (being greatly provoked by his interrupting of him, and Unchristian Behaviour and Discourse) *Thou Impudent Rascal, who saith the Spirit of God speaks in Trees, as it doth in Men?* But to make the thing seem odious, the Publishers of this Publick Writing say, *It was in a Publick Assembly*; as if it had been in some Court, or as if he had been brought before this Magistrate, (as they call him) upon some Examination, and there, instead of behaving himself soberly, he presently calls him *Impudent Rascal*; this they would falsly insinuate, as also, *That before long he'll go into the Council-Room, and into the Courts, and there Revile the Counsellours and Magistrates, and call them impudent Rascals.* Oh, the horrid Impudency of those Men! Let Shame cover their Faces, if they have any in them!

And whereas they further say, *That* G.K. *with several of his Adherents with an unusual Insolency having Traduced the Industry, Care and Vigilancy of some Magistrates here, in their late Proceedings against some Privateers*, &c. *and hath thereby also defamed and arraigned the Determinations of the Provincial Judicatory*, &c. As if *G. K.* and several others had printed a Book, and defamed and arraigned them, and denyed their Power of Magistracy; whereas all that impartially read the said printed Appeal, will find that *G.K.* did not defame nor arraign them, but they having given a Commission, and hired Men to fight (which was diametrically opposite and contrary to the often declared and known Principle of the People called *Quakers*, against *all use of the Carnal Sword*) it was propoled, amongst other things, to be considered by all faithful Friends at the Yearly Meeting, whether these Men ought not to be condemned and disowned as *Quakers*, but it was never intended to deny them to be Magistrates; for as Magistrates they were obliged to do what they did, and it was commendable in them who did so commissionate and hire Men to fight, and also search the Town for Arms, &c. But the great Question is, *Whether they did not*

transgress

tranſgreſs as they profeſſed to be Miniſters and Quakers? If nay, but that the *Care and Vigilancy of theſe Magiſtrates here at* Philadelphia, *called* Quakers, *is worthy of Commendation,* as they intimate, *for ſaving of a Sloop by Force of Arms*, how much more ſhall their Care and Vigilancy be worthy of Commendation, to raiſe a Militia to ſave and defend the whole Country, if any occaſion ſhould offer? But how ſteadfaſt this doth manifeſt them to be the *Quakers* Principle of *Refuſing in all caſes to fight, and that for Conſcience ſake,* I ſhall leave all to judge. I always thought that which was a matter of Conſcience to the *Quakers* in *Old England, Barbadoes,* and other places, had been a matter of Conſcience to them under a Government of their own; but I find the contrary in theſe Magiſtrates and many others joyned with them here. But that which ſeems the moſt ſtrange to ſeveral obſerving Perſons in this place, is, that ſeveral called *Quakers* in *Maryland, Barbadoes,* and other places, that pretend its a matter of Conſcience to them *not to bear Arms,* yet now will own theſe here in that Practice, unleſs they now think to leave that Article out of their Creed.

In the next place, whereas *Peter Boſs* being offended with the Judgment of the 28. writ a Letter to *Samuel Jenings*, (being then in Church-Fellowſhip with him) ſhowing his Diſlike thereof, and telling *S. J.* of ſome of the Scandals he lay under; for this they iſſued forth a Warrant againſt him, and put him into Priſon, without ever dealing with him in a Church Method, and at the next Court preſented him for the ſame, to which Court he was bound to anſwer, where he gave his Attendance, with his Witneſſes ready, but not brought to Trial, although much deſired by him and his Wife, who urged the Injuries of the delay thereof.

At the ſame Court *William Bradford* and *John M^c^Comb* appeared, and deſired they might come to a Trial, it being greatly to their Prejudice to be kept Priſoners; and ſaying, it is provided by *Magna Charta, That Juſtice ſhall not be delayed to any,* and we being *free born Engliſh Subjects* claim this as our Priviledge, and hope this Court will not deny it us, becauſe not only our Perſons are reſtrained, but *William Bradford*'s Working Tools are detained from him, with which he ſhould work to maintain his Family.

Juſtice *Cook* ſaid, *What Bold, Impudent and Confident Fellows are theſe to ſtand thus confidently before the Court?*

J. M^c^Comb. You may cauſe our Hats to be taken off, if you pleaſe.

W. Bradford. We are here only to deſire that which is the right of every free-born Engliſh Subject which is *ſpeedy Juſtice*; and its ſtrange that that ſhould be accounted *Impudence*, and we *Impudent Fellows* therefore, when we have ſpoke nothing but words of Truth and Soberneſs,

in requeſting that which is our Right, and which we want, it being greatly to our prejudice to be detained Priſoners.

J. *Cook*, (ſpeaking to *W. Bradford*) ſaid, *If thou hadſt been in* England, *thou wouldſt have had thy Back ſlaſht before now.*

W. B. I do not know wherein I have broke any Law, ſo as to incur any ſuch Puniſhment.

Juſtice *Jenings. Thou art very ignorant in the Law ſurely; does not thou know that there's a Law, that every Printer ſhall put his Name to the Book he prints, or the Preſs is forfeited.*

W. B. I know there was ſuch a Law, and I know when it expired.

J. Cook. *But it is revived again, and is in force, and without any regard to the matter of the Book, provides, That the Printer ſhall put his Name to all that he prints, which thou haſt not done.*

But waving from that, the Priſoners ſtill preſs'd for a Tryal. To which Juſtice *Cook* ſaid, *A Trial you ſhall have, and that to your Coſt too, it may be.* And Juſtice *Jenings* ſaid, *A Tryal you ſhall have, but for ſome Reaſon known to us, the Court defers it to the next Seſſions; and that is the Anſwer we give, and no other you ſhall have.*

All this time *John White* Sheriff, pleaded vehemently againſt the Priſoners, greatly aggravating their (pretended) Crimes; and when complained of, that the Sheriff, (through whoſe hands goes all Fines and Forfeitures) ſhould be ſo bitter an Attorney againſt the Priſoners, he cloaked it under the Viſor of a *Protbonitor.*

So this Court paſſed over, and the ſaid Perſons not brought to Tryal, but yet not wholly barren of Action, nor void of Injuſtice; for tho' they had not only got *W. Bradford* into Priſon, and taken his Letters from him, (with which he ſhould work) and his Paper and Books out of his Shop, but alſo they had got the Body of *John M'Comb*, with which one would think they might have been ſatisfied, had any thing of tenderneſs remained in them, the time they committed him being when his Wife was newly brought to Bed, and who lay very weak in a ſtrong Fever, and ſeveral thought ſhe would not live; and tho' he acquainted them of her Condition, and how deſtitute his Family was, requeſting them to let him go home, and he would promiſe to be ready at any time they ſhould call for him; This they would not grant, but to Priſon he was ſent; (tho' to give every one their due, *White* the Goaler was ſo kind as to let him go home an hour or two ſometimes in an Evening after it was dark) yet our hot-ſpur'd Juſtices being not ſatisfied with having his Body, would do what in them lay, to ruin him and his Family; for whereas he kept an Ordinary, and for his Licenſe ſo to do had paid Governor *Lloyd* Twelve Pieces of Eight, which is *Three Pound Twelve Shillings* for the laſt twelve Months before

before, [*No inconsiderable Price for a License*] yet they now proceeded to suppress his keeping of an Ordinary, though he had fulfilled, and in no respect transgressed the Conditions of his License, as will appear by a Copy of the said License, which here follows verbatim, *viz.*

By the Lieutenant Governor,

Philadelphia Ss.

JOhn M" Comb *requesting License from me to keep an Ordinary in* Philadelphia, *and he being recommended to me as a fit and qualified Person for such an Imploy; I do hereby admit and License the said* John M" Comb *to keep an Ordinary, or a House of Publick Entertainment in the House he now lives in, he taking care, according to Law, to keep good Orders and sufficient Conveniences for Man and Horse. This License to continue for a Twelve Month ensuing the date hereof. Given at* Philadelphia *the Tenth day of the 4th Month,* 1692. Thomas Lloyd.

Now let us hear what great and heinous Crimes are alledged for the suppressing *John M" Comb* in his Imploy: If he had trangrest any Law, or broke any Conditions in his License, they ought to have call'd him before them, and convicted him thereof, but without ever so doing, they suppres his *so-dear-bought-License*, as follows.

At a Court held at Philadelphia *the 4th of* October, 1692.

THE *Court taking notice of* John M" Comb's *Contemptuous Behaviour, as also his spreading a Seditious Paper in his House, to the Disturbance of the Peace, do therefore suppress his License, and do Command him not to presume to keep an Ordinary after the Tenth Day of the next Month, being* November, *on pain of incurring the Penalty of the Forfeiture of Five Pound for keeping an Ordinary without a License: And that notice be given him of this Order.*

A true Copy by John White, *Deputy-Clerk.*

Note, That the *Contemptuous Behaviour* they mention, was his and *W. B*'s requesting of the Court to come to a Trial, as before is related; and the *Seditious Paper* they mention, was the printed *Appeal*, which he having bought two of them, and some Persons happening to see them, got them from him again, because it suited not with their convenience to go so far as the Printer's; and *J. M.* did not buy or receive them to sell again, but his disposing of those two Papers was accidental, and for which he was imprisoned, and to come to Trial for it, but this satisfied not these cruel Men, for they make that a main matter whereby to suppress his License [*No less than Two Punishments for One Offence*] and yet though they were so zealously warm to prosecute and punish these Offenders, *and which* (they said) *they could not avoid, without*

out violating their Truſt to the King and Governor; yet without any Violation of their ſaid Truſt they could paſs by ſeveral others that were much more concerned in ſpreading thoſe Papers than *J.M.* Oh! the Partiality, Deceit and Cruelty of theſe Men!

This Seſſions paſſeth over, and the ſaid Perſons continued under Dureſs till the next Seſſions, which being come, let us hear the Proceedings, which here follows, *viz.*

At a Court of Quarter-Seſſions held by the King and Queens Authority, and in the Proprietary's Name at Philadelphia *the* 6, 7, 8, 9, 10 *and* 12 *days of the* 10*th Month*, 1692.

There being preſent on the Bench, as Juſtices,

Samuel Jenings, *Arthur Cook*, *Samuel Richardſon*, } { *Robert Ewer*, *Henry Waddy*, *Griffith Owen*, } Quakers.

John Holmes,
Robert Turner, 10*th and* 12*th days.*
Lacy Cock, and *Anthony Morris on the* 12*th day.*

The Names of the Perſons, that preſented *Peter Boſs*, *George Keith*, *Thomas Budd*, *William Bradford*, &c.

† *Alexander Beardſly*, † *William Carter*, † *John Jennit*, *Will. Oxly*, *Emanuel Dauſon*, *William Allaway*, *Lewis Thomas*, *Reece Peters*, *John Comes*, *Chriſtopher Pennock*, *Mouns Jones*, *Thomas Griffith*, † *William Harwood*, *William Hearn*, *William Finley*, *Will. Lawrance.*

Obſerv. That moſt, if not all of theſe Men are known to be highly prejudiced againſt *G. K. T.B.* and thoſe that joyn with them, becauſe of their zealous Teſtimony to Chriſt without, as well as Chriſt within. And *John White*, Sheriff, is known to be greatly prejudiced againſt them, who packt this Jury on purpoſe to preſent and defame *G.K.* and the reſt, as was in ſome degree well obſerved by Juſtice *Holme*, when he ſaw they brought in new Preſentments againſt *G. K.* in matters concerning their Religious Differences, for which he was ſharply reproved and menaced on the Bench by *Samuel Jenings* and *Arthur Cook*, the laſt ſaying, *They were the Fathers of the Country, and they had done well, and like honeſt men, in bringing in thoſe Preſentments, and they gave them Thanks for their care and pains*; *but* (ſaid Juſtice *Cook*) *if they muſt be found fault with, who will ſerve upon a Grand Jury*? and ſo went on highly reſenting thoſe few words Juſtice *Holme* had ſpoke; *Arthur Cook* not minding that himſelf had ſaid ſome little time before, to a Grand Jury of more ſubſtantial Men than theſe (upon their bringing in a Preſentment that did not pleaſe him) you are a Com-

pany

pany of Infamous Men: and for which he was presented by the next Grand Jury, but 'tis supposed that Presentment was buried in the Clerks Study of Oblivion, for we have never heard more of it.

The 9th day of the 10th Month, *Peter Boss* call'd into Court, and set to the Bar.

Cryer, *O yes, Silence is commanded, upon pain of Imprisonment.*

The Indictment read,

Philadelphia, *the 5th of the 8th Month*, 1692. *We of the Grand Jury for the Body of this County, do present* Peter Boss, *for that he hath accused* Samuel Jenings, *being a* * *Magisterial Officer, with being an unjust Judge, and of his being Drunk, and of laying a Wager with* John Slocum, *and for many other scandalous, reproachful and malicious Expressions, to the Defaming of him, and tending to the Disturbance of the Peace, contrary to the Law in that case made and provided.*

* *i. e.* Master-like, as saith the English Expositor.

Clerk, Peter Boss, *What saist thou, art thou guilty or not guilty?*

Peter Boss, Not guilty in manner and form as there presented.

Clerk, *By whom wilt thou be tryed?*

Peter Boss, By God and the Country.

Clerk, *Call over the Jury.*

Humphery Waterman, Joseph Kirle, † Thomas Wharton, Tho. Marle, Richard Sutton, Samuel Hoult, † James Fox, Abraham Hardiman, Nicholas Rideout, Thomas Morris, Richard Walter, † John Whitpane.

Clerk, *Dost thou object any thing against any of these Persons?*

Prisoner, Yes, I object against all of them that are called *Quakers*, because they are such as I know to be deeply prejudiced against G. K. and all that favour him, but am willing to be tryed by any that are not called *Quakers*, or such of them as are not manifestly prejudiced. But they would not allow of his Exception. Whereupon the Jury were attested. The form of the Attestation, as follows, *viz.*

In the Presence of Almighty God and this Court, you shall promise, well and truly to Try and true Deliverance make betwixt the Honourable William Penn, *Proprietor and Governor of this Province, and the Prisoner at the Bar, according to Evidence.*

After which, *David Lloyd* first, and *John White* next pleaded very hard against him, that that Letter did defame *Sam. Jenings* as a Magistrate, confirming it, as they pretended, by reading some Passages out of some Law-books, and some Laws of this Province against defaming Magistrates.

To which the Attorneys of *Peter Boss* pleaded, That he acknowledged the writing that Letter, but what was said therein concerning *S. Jenings*, was not against him as he was a Magistrate, nor could it be-

be reckoned a Defamation, becauſe 'twas only a private Letter ſent to himſelf, ſhowing his diſlike in ſome things, and deſiring him to clear himſelf of other groſs and ſcandalous things that were reported of him, as is uſual for one Church member to do to another; and they brought a Caſe out of *Shepherd*'s *Faithful Counſellor*, that what is ſaid muſt be *Falſo & Malicioſe*, *i. e.* falſly and maliciouſly, otherwiſe not actionable. And that if a Man ſpeak ſlightly of a Magiſtrate, if it be when he is not in the exerciſe of his Office, it is no defaming of him as a Magiſtrate, and ſo no treſpaſs againſt the Law alledged.

To which *David Lloyd* replyed, *That what was ſpoke againſt* Samuel Jenings, *muſt needs relate to him as a Magiſtrate, for take away* Samuel Jenings, *and where will the Magiſtrate be?*

And *Sam. Jenings* ſaid, *Take away* Sam. Jenings *the Magiſtrate, and where will* Sam. Jenings *the Quaker be?*

Note, By this it ſeemeth to *S. Jenings* that it is as inherent in him to be a Magiſtrate as to be a *Quaker*, and therefore when his Magiſtracy ceaſeth, his *Quakeriſm* (according to him) muſt ceaſe, and like *Hypocrates* Twins live and die together; but yet he may remain to be *Sam. Jenings*, when he is neither Magiſtrate nor *Quaker*.

And when his Attornies were about further to open the matter, how he writ to him only as a Church-member, and offered to produce ſome Preſidents in the Caſe, *Arthur Cook* interrupted, ſaying, *They would not have matters of Religion diſcourſed there*, ſaying, *What muſt Religion be made a cover to revile and defame men, by ſaying, he did not write to him as a Magiſtrate, but as a Church-member?*

To which *G. K.* (as his Friend) deſired Liberty to ſpeak, as the Law in that caſe allows, but they were very unwilling to ſuffer him to ſay any thing in behalf of *Peter Boſs*, *John White* ſaying, *G. K.* was not *Rectus in Curia*; but through much and long importunity, he was permitted, who then told them, That a diſtinction muſt needs be allowed of words ſpoke to a Man as he is only in a private Capacity, and as he is a Magiſtrate; for when Magiſtrates, as *Arthur Cook* and *Sam. Jenings*, give us hard words, calling us *Ranters*, *Apoſtates*, *Lyars*, *Wicked and Ungodly Men*, &c. ye will not ſay ye give us theſe Names as Magiſtrates; and then if ye can ſpeak to us, not as ye are Magiſtrates, we may alſo ſpeak to you not as ye are Magiſtrates.

Thomas Harris his Attorney, and *G. Keith* his Friend, proffered to ſpeak further to ſeveral things that had been alledged by *D. Lloyd* and *J. White*, but were much menaced by *Arthur Cook*, and ſo was *Peter Boſs* himſelf, which was much reſented in the minds of many, that a man hath not liberty boldly to ſpeak in his own defence, nor his Attorneys nor Friends for him, but often when they were pleading,

Com-

Commanded Silence upon pain of Imprisonment: Whereupon some complained, that it was hard that he had not liberty fairly to plead his own Cause. To which *Arthur Cook* said, *That as a* Christian *he could bear any thing, but not as a Magistrate.* Which was noticed by many how *A. Cook* set the Christian and Magistrate in opposition the one to the other, as if we were not to expect that when they act as Magistrates they are indued with Christian Patience, Meekness and Long-suffering, as if when they act the *Magistrate*, they put off the *Christian.*

[*Note*, That a little before *Sam. Jenings* and *David Lloyd* would not allow of any distinction betwixt the Magistrate and *Quaker*, and yet now to serve his turn their Brother *Cook* grants it: Oh! the Confusion, Deceit and Hypocrisie of these men!]

G. Keith pleaded further, though with much difficulty, That *Peter Boss* being a Member of the *Quakers* Church, they ought not to go to Law with him until they had proceeded orderly with him in their mens Meetings, and given him Gospel Order; for the things of difference betwixt him and *Sam. Jenings* relate wholly to Church Discipline, and belong to a Spiritual Court, and not to this.

Da. Lloyd, *This is a spiritual Court; for in* England *they can try Atheism in this Court.*

G. K. But *Peter Boss* is not accused of Atheism; and if a man professes one Almighty God, this Court hath nothing to do with him for his Opinions or Perswasions in Religious matters.

Then *D. Lloyd* read a passage out of a Law-book, *That certain words spoke against a Bishop or Minister, were actionable, tho' not actionable when spoke against a private person; which* (said he) *is the present case.*

A Person standing by, said, *May not sin be reproved in a Bishop or Magistrate?* At which they were greatly offended, and caused an Officer to take the said Person, *viz. Ralph Ward*, out of the Court.

But for the further satisfaction of the Jury, and all others present, that he did not defame *Sam. Jenings* as a Magistrate, *Peter Boss* greatly pressed to have his said Letter read, which after some time was done, tho' with great Impatience. The which Letter here follows, *viz.*

THE *Paper lately publisht at* Philadelphia *by* 28. *against* G. K. *and those joyned with him*, &c. *has and is like to occasion much Trouble and Difference among us, not only because of the false Things compact in it, as is well known to many Witnesses, and now to impose it on all the Meetings, is plain downright* Popery, *and gives just occasion to all, not only to judge it as it is, for the abuse, but also inspect further into things, and them these ministring Imposers upon other mens Consciences, like unto the* Roman Clergy. *And to show how ill the People do resent these things, one who was not a* Quaker,

ker, *so soon as the Paper was made publick, says,* What D---lish work is here like to be! a Pack of Fools have sent their Bull out: what a piece of work you'll see in a short time, and how they'll expose themselves, and force others to send it home in Print. *says he, with worse words of some, unfit to mention here,* &c. *By exposing this your Edict, you have made all People your Judges, into whose hands it shall come (the* Papists *themselves) for your Unrighteous Judgment, and drawing in those with you that have subscribed to they know not what, who were not present at either of the Meetings, so consequently did not hear the words charged on* G. K. *to be spoke by him,* &c. *but have taken all upon Trust, and signed as a Man that would be a false Witness to a Bill or Bond for Money, where none is due. 'Tis hoped, that some will see their over-haste, and repent it, as well as others have done: How can you expect this Act of yours will be accounted Righteous Judgment, to condemn a Man for Words, and cover one anothers Deeds, as well as worse words in and among our selves. Has* J. S. *ever been dealt with for his many Enormous, palpable, gross Miscarriages chargeable upon him, his Greatness and Pride so Insolent and Lofty, none dared to touch him? and for his abuses to a poor Worm, who writ to him for Justice and Satisfaction, could have no answer of said Letter; and being discontented to hear him preach to an Auditory, knowing his Life to be unsavoury, and an Unjust Judge, I write the second Letter to him of dislike to his Preaching, which after he had read, flung it in the Fire: Why did he not answer it, and get satisfaction from the Author, but that he knew himself Tardy, resolv'd to exercise* Bonner's *Cruelty on my poor Paper: And its matter of Sorrow there's divers among you know enough of* S. J. *but you cover him and one another, and whom you please to abase, down with him amain; do you think people are blind, and without sense? Be it known, they see, they hear,* &c.

1. *Pray let it be queried into, whether it was not true that* S. J. *did wage his Horse with* John Slocum, *to ride a Race with their Horses? and whether* J. Slocum *did not refuse to take the Advantage of him, because* S. J. *was Drunk,* &c?

2. *And pray let it be inquired into, whether* S. J. *at another time was not so drunk, could scarce get over the Ship side of* Joseph Bryar, *when at* Burlington?

3. *And pray let it be inquired, whether the said* S. J. *did not wickedly in surveying a Tract of Land which* Joh. Antrum *had actually begun to do?*

4. *And pray let it be enquired into, whether* S. J. *did not take away the Meadow of* Richard Matthews, *who being in* England, *took the Advantage? What the Effect will be, Time must manifest, how Odious he will render others for* S. J's *sake, he being a pretty eminent man in* London.

5. *And pray let it be enquired into the Actions and Abuses of* S. J. *to* John Skeen, *deceased, which should have been answered at* Burlington Meeting.

6. *And*

6. *And pray let it be enquired into, whether it was* S. J. *or* J. Simcock *that was by two Perſons carried to Bed Drunk?*

7. *And pray let it be further enquired into, whether it was the ſaid* S. J. *or* J. Simcock *that was ſo drunk loſt a Coat that was borrowed of another man,* &c? Seeing ſo many of you have condemned G. K. for words let theſe Actions be alſo condemned, they being as great Pretenders to be Miniſters as him. *And pray take ſpecial care this be not burnt, as the former, having a Copy of the ſame.* Peter Boſs.

Which being read, *Peter Boſs* produced the Teſtimonies of ſeveral credible Perſons, concerning the matters contained in the ſaid Letter, and preſt hard to have them read, becauſe they proved ſome of the things queried, at leaſt. But they were very unwilling to have them read, ſaying, *It was no evidence unleſs the perſons were preſent in Court*; altho' it is well known, that Atteſtations in writing have been often accepted in this Court; and it may be noted, that at the former Seſſions he had his Witneſſes ready in Perſon waiting all the time of the Court, which was great Charge to him, but by reaſon of the Extremity of the Weather, could not be preſent now: However, at laſt, through much importunity they admitted ſome of the Papers to be read, which here follow, *viz.*

Concerning a Report which has been about Sam. Jening's *riding a Wager with* John Slocum, *I do here teſtifie, That about three Years now paſt,* Sarah Biddle, *Wife of* W. Biddle, *ſenior, ſhe being at* Burlington, *did tell it me thus, as followeth, That ſhe reproving her Son* William, *who had been riding hard, ſhe ſaid, his anſwer was, Why Mother, may not I ſo well as* Sam. Jenings, *he could ride a Race, or did ride one, with* John Slocum, *and* John *won his Horſe, but he would not take the advantage of* Samuel, *becauſe* Samuel *was Cacuſe* (John Slocum *ſaid*) *ſays* William *to his Mother: This I do here affirm, that I had it from* Sarah Biddle's *one mouth, and that we underſtand the word Cacuſe to be drunk.* Mary Budd.

Burlington *in* Weſt-New-Jerſey, *the 1ſt of* October, 1692.

Atteſted before me, Edward Hemlock, *Juſtice.*

Whereas there is a report of S. Jenings *riding a Race with* J. Slocum, *thus much I* William Buſtill *do hereby affirm to the truth of the ſaid Report,* Will. Biddle, *ſen. did tell me, that* S. Jenings *and* J. Slocum *did ride a Race together, and that* John *did win* S. Jenings *Horſe, which was a white Gray, and that which* J. Slocum *did ride on* W. Biddle *did buy of* J. Slocum; *and that it was at or about the time when the Provinces were divided, and that the Race was run in ſome place between* Amboy *and* George Keith's *Land in* Eaſt-Jerſey, *as they came from* Amboy.

October *the 21th,* 1692. Will. Baſtill.

As concerning a Report of S. Jenings *riding a Race with* J. Slocum *about three Years ago,* W. Biddle, *sen.r at Dinner, and his Wife in company at his own House did tell me that* S. Jenings *did ride a Wager with* J. Slocum, *and lost his Horse, which I am ready to be attested to, if further need shall require, as witness my hand hereunto set, this second of* Novemb. 1692.

Henry Beck.

Memorand. *That my Sister* Sarah Painbridge *told me, that* William Biddle *did say in her hearing, that as he was riding from* East Jersey *towards his own House, he heard a noise, whereupon he looked behind him, and did see* Sam. Jenings *and* J. Slocum *rid after him very fast, and* J. Slocum *said to* S. Jenings, I have won thy Horse as fair as ever any man won any thing in this World.

John Bainbridge.

As concerning the Report that S. Jenings *surveyed the Meadow of* Rich. Matthews, *I have this to say, being then and there present, I being Assistant at that time to* Simon Charles *in surveying Land for* Samuel, *I went with* S. Jenings *to the said Meadow, and told him that was the Meadow that I had formerly surveyed to* Rich. Matthews: *He bid me shew him the Lines of the survey: we went and searched, and found only one Tree or two marked by the Meadow side, and no more; for there had been a Fire, that had not only burnt up most of the Trees there by the Root, but also the surface of the Meadow it self, so that we could find no marks in any order; then I produced a Copy of the Records of the Survey, which was the same with this following, viz.* Surveyed also that piece of Meadow lying at the Northwest corner of the said Land, extending to the Neck or narrowest place of the same, as it is now marked, all making up the number of 500 Acres, as aforesaid. *But notwithstanding* Samuel *bid* Simon *put it into the survey, which he accordingly did. Now* Elias Far *being Attorney for* Rich. Matthews, *and hearing of what* Samuel *had done, he made application to me, whereupon I wrote to* Sam. Jenings *about it, and signified to him, that in my Judgment, he could not hold that Meadow, neither by Equity nor by Law. Thus much is testified by me,* Daniel Leeds.

Attested before me Edward Hemlock, *Justice,* Octob. 1. 1692.

Memorandum, *That I* James Silver, *then Servant to* Sam. Jenings, *being troubled at his Severity towards both Servants and Creatures, viz. his knocking one down and breaking his Cane upon him, and over-loading and beating both Servants and Cattle, when not able to go forwards, and one time broke the Rib of an Ox by his unmerciful beating, and taking* Benj. Moore *by the Throat as he was coming off his Bed, bare my Testimony against it, as unsuitable to the Spirit of Christ, he took occasion to deal very hardly with*

with me, and let me go almoſt naked; and when Winter grew on, and I complained under the ſence of Cold, he threatned to make me creep, or come on my Hands and Knees to him, like a Dog or Spaniel, or break my Bones.

Burlington, the 5th Month, 1692. James Silver.

[*Note*, This *James Silver* was a Man in Years, and a Friend, and one that had many Servants himſelf, whom he thus treated for witneſſing againſt his Cruelty.]

John Smith ſaith, *That being at* Philadelphia *on or about the 28th of* Auguſt, 1692. *meeting with* Sam. Jenings *before his own Door, his firſt Salutation to me was this, as followeth,* What! art thou a *Keithian*, Raſcally Fellow, worſe than an Infidel, that neither knows Law nor Goſpel; muſt thou prate, ſorry Raſcally Fellow, I'll call for a Conſtable, and ſend thee to the Crew, thou art like them, a Company of Raſcally Fellows; I'll have thee to know, that we are able to judge both *George Keith* and the Country. *And thus he did revile and call me* Raſcal, *and worſe than an* Infidel *many times over; and this was preſently after he was come from a Meeting, and for no other Cauſe than ſaying to one who hanged up the Proclamation,* (againſt *G.K.* which they poſted up both in Town and Country) *Ye may as well hang the other ſide forward for it ſhews their folly, a little* Haman-*like: This Abuſe to me was not unlike his former Actions and Behaviour to other his Servants; as inſtance on a time,* James Silver, *an ancient Man, his poor Servant, for ſhowing him his naked Thighs, and complaining for want of Cloaths,* Sam. Jenings *told him he would make him to creep on his Hands and Knees, like a Spaniel, and ſlap his back, if he would not hold his prating,* &c. John Smith.

Note, That ſeveral other Teſtimonies might be here ſet down concerning *S. Jening*'s diſorderly walking and behaviour in his Family and among his Neighbours, and particularly his Inhumane Whipping of his Servant Maid naked in her Bed, the manner and circumſtances of which I ſhall here omit for modeſties ſake; but theſe here produced are ſufficient to ſhow, that there was cauſe for *Peter Boſs* to write to him; and tho' theſe Evidences do not prove every thing queried in that Letter, yet theſe things being commonly reported abroad, were cauſe enough, one would think, for the *Quakers* to call him to an Account, and ſearch out the bottom of theſe things, but that he is grown ſo Proud, ſo High and Imperious, that none dares to touch him. Nay, lately one of his own Church-members, not coming into Court at his Command, he bid *fetch him Headlong*, and fined him Ten Pound for not coming, and committed him to Goal, to remain till paid, tho' the man ſays, he had no buſineſs at Court, and it would have been to his prejudice to have gone; but all People reſenting theſe Actions of

Sam.

Sam. Jenings very ill, *Arthur Cook* said, *I'll go to my Lord Judge, and see if I can perswade him.* Yet the next day he can put on his Canonical Robe, and imitate a Disciple of the *Meek Jesus*, and compare himself to poor *Mordecai*; and then again before he leaves the Pulpit, and that on a *Sunday*, or first day of the Week, put on his Magisterial Robes, and tell the People, *That now he speaks to them as a Magistrate*; and because they did not break up their Religious Meeting at his Command, he calls out, *Is there ever an Officer there; let Proclamation be made in the King and Queen's Name for all Persons to depart to their own Habitations, and see if they'll dare to sit here.* They that cannot see this Man swell'd above the meekness of a true Minister of Christ, and transforming himself, like Satan, into an *Angel of Light*, 2 *Cor.* 11. 13, 14. I must conclude they are blind, and have lost their Senses.

But to leave this Digression, after the reading in Court of as many of the above-cited Testimonies as they would suffer, the Jury went out upon it, and brought in *Peter Boß* only *Guilty of Transgressing the 29th Chapter of the Laws of this Province*, viz. *Against speaking slightingly of a Magistrate.* Upon which the Bench gave Judgment, *That* Peter Boß *should pay Six Pound.*

And to back the former Instances and Hints of the unjust Actions of this Man, take the Breviate of a Letter from one of their present Church-Members to him, which is as follows, *viz.*

Samuel Jenings, *I perceive thou art no Changeling, thou looks like a Man for Bulk and Talk, like a Christian sometimes; but really* Samuel, *whatever thy self or others think of thee, I do hereby tell thee, and that under my Hand, That I have met with more truly Noble and Manlike Treatment, and the Exercise of better* Christianity *among* Turks, *than hath appeared hitherto in thee towards me: Surely* Samuel, *hadst thou exercised but the common sense and capacity of a rational man, thou couldst not think that the Governour would send a man three thousand Miles with Instruction to take care and charge of his Servants, Goods and Stock, should be in a meaner Capacity than his Negroes, and not have a supply of Necessaries, &c. but this thou hast very irrationally and unmanly denyed unto me, and both thy self and Wife have proved False and Deceitful unto me: Thou requested me to write for thee, and promised Satisfaction for my Labour, and I wrote about* 149 *Laws of the Province, and a Copy of the King's Charter to the Governour, and a List of the Governours Tenants in the County of* Bucks, *with the Quantity of Land they hold, and upon what Tenure; but like a deceitful Man thou refusest to perform thy Promise: And know this, that beside thy Promise, I have thy Letter under thy Hand to produce, as also the Evidence of one of the most credible Persons in the Town, whom thou toldst, That I had wrote a Copy of the Laws for thee, and thou wast to pay*

me

me 18 s. *for it. Nay, yet further,* Samuel, *when the Commiſſioners, which are thy Overſeers, (to whom thou art obliged to render an Account, ſo often as they require it of thee) had ordered thee to let me have* 50 s. *for a Supply of Neceſſaries, thou refuſed to let me have it, unleſs I would take it in thy Shop Goods, (which would have proved little better than a Cheat) for thou wouldſt have charged* 50 s. *to the Governours Account, when, its like, I ſhould not have had really the value of* 25 s. *of thee. I once more conſulted the Commiſſioners, who very freely and willingly wrote to thee a few Lines, Signed with their own Hands, and gave it to me to deliver to thee, wherein they ordered thee to pay me* 50 s. *in Silver Money, according to their former Order; but thou return'd them this Anſwer by me,* That thou wouldſt not anſwer their Bill, *bidding me carry it back to them again; which indeed is no other than an unchriſtian and unmanly ſlighting of the Commiſſioners, and a baſe and ſordid Contempt of, and trampling on that Power which the Governour hath inveſted them with over thee and his Affairs; one might think by thy Deportment towards them, that thou doſt neither know thy ſelf, nor the Station in which thou art placed by the Governour; for* Samuel, *thou art no other than a mercenary Servant, and that during the Will and Pleaſure of the Governour, and the Commiſſioners are thy Overſeers and Controulers, to whom thou art obliged to render an Account,* &c.

Thy true Friend, John Philly.

Then next *George Keith* called into Court, and ſet to the Bar.

Cryer. O *Yes, Silence is commanded upon pain of Impriſonment.*

The Preſentment read.

We of the Grand Jury do preſent George Keith *and* Thomas Budd *as Authors of a Book, entituled,* The Plea of the Innocent, *where in* p. 13. *about the latter end of the ſame, they the ſaid* Geo. Keith *and* Tho. Budd *defamingly accuſe* Sam. Jenings, *(he being a Judge and Magiſtrate of this Province) of being too high and imperious in Worldly Courts, calling him an Ignorant, Preſumptuous and Inſolent Man, greatly expoſing his Reputation, and of an ill Preſident, and contrary to the Law in that made and provided.*

Clark. *What ſay you,* George Keith? *Are you Guilty or Not Guilty of this Preſentment?*

G. *Keith.* Before I be demanded to plead to the Preſentment, I deſire to be heard a few words: which the Court granting, he ſaid, I would have you to conſider, that both ye and we are as a Beacon ſet on a Hill, and the Eye of God, Angels and Men are upon us; and if ye do any thing againſt us that is not fair and juſt, not only theſe parts hereaway will hear of it, but *Europe* alſo; for if we be wronged (if God permit) we think to make it known to the World.

Here ſome were very impatient, telling him, he menaced the Court, but he would do well to take heed what he did; for if he ſpoke or

publiſhed

published any thing in derogation of the Sentence of Court, it was against a Law in this Province, and he would be punished for it.

G. K. An able Lawyer hath said, When a Man is wronged, and can have no other Remedy, printing is the last: Ye must give Losers leave to complain: Our Friends have done it formerly in *Old England* when they have been unjustly dealt by, and particularly *William Penn* and *George Whitehead*. I will not say any thing against your Law, but I suppose the true sence of it is, that if any derogate from the Sentence of a Court, if the Sentence be just, he is punishable, but not otherwise. Are your Courts infallible? Is it not possible that at times they may give an unjust Sentence?

David Lloyd. *Yea, our Courts are infallible in Law,* George, *I assure thee.*

G. K. Then why do you admit of Appeals? If they be infallible, there is no occasion to appeal to a higher Judicatory.

Then *David Lloyd* went about to mend the matter, saying, *They were infallible so far as the Law was infallible, and so far as they kept to the Law.*

Note, This is as if he had said, they are infallible so far as they are Infallible, which is not very good Sense, unless they mean, that they are not absolutely Infallible, but conditionally; and if conditionally only, it is possible they may give a wrong Sentence, and he who they give it against may complain, without just cause of Offence, otherwise their Court here is as arbitrary as any in the World.

Next, *G. K.* desired to know in what Capacity *D. Lloyd* did plead there against them, seeing he was not the Kings Attorney.

D. Lloyd. *We have no King's Attorney.*

G. K. I understand that *Patrick Robinson* is the Kings Attorney.

D. Lloyd. *No, he is not.*

G. K. But he is Attorney General.

D. L. *He is neither King's Attorney, nor Attorney General.*

G. K. What is he then?

D. Lloyd. *He is the Proprietary's Attorney.*

Now *G. K.* still pressing to know in what Capacity *D. Lloyd* did plead, it was answered, That the Court allowed him to plead.

Note, That it was admired by the Auditory, that this *David Lloyd* should be so confident and brazen-fac'd as to tell, in an open Court, that *Patrick Robinson* was not the Kings Attorney, and thrust himself into that place, purposely to vent forth some of his inveterate Hatred and Malice against *G. Keith* and the rest, which he did to purpose, by straining and perverting the places, by him brought from their true sence; and yet this man pretends to be a late Convert to the Religion of

of the People called *Quakers*. If they were all such, it would make one abhor them for Notorious Hypocrites.

G.K. I desire you to hear me a little further, and that is, That I think it very unfair, that those who are deeply prejudiced against me, and my opposite Parties and Accusers, should be my Judges, as particularly *Sam. Jenings* and *Arthur Cook*, the last of which but a few days ago, (the 5th of the 10th Month) told me at his own House, before divers Witnesses, and *John White* Sheriff is Witness, that when he warned me to the Court, I told him, I thought to come, but did not think to plead, unless I had a fair Jury, *Arthur Cook* said, *Truly* George, *a foul one will serve thee.* Now let the Court judge, whether this Man is fit to sit upon the Bench to judge me, who says, *That a Foul Jury will serve me.* Suppose I had been the greatest Malefactor, will any say, A Foul Jury will serve to try me? Is not this to destroy all Fundamental Laws? I appeal to you here, the Justices and Jury, such of you as are most manifestly prejudiced against me, for my faithful Testimony to the *Quakers* ancient Principle against all use of outward Weapons, whether ye do as you would be done by? Would ye be willing that a Company of Men wholly of our side, (tho' honest) should be on a Jury to judge you?

Sam. Jenings. *We shall take care that ye shall not be our Judges.* Which was an Evasion from the Question, and seemed to be a Jest or Scoff that he pleased himself with, and which are more frequent with him than Expressions of Mercy and Justice.

G. K. I have yet something further to say, before I plead to the Presentment; but being unacquainted with your Formalities in Law, desire that no advantage may be taken against me on that account.

Court. *No advantage shall be taken against thee on that account.*

Clerk. *What say you*, George Keith, *to your Presentment? Are you Guilty or Not Guilty?*

G. K. Not Guilty in manner and form. And now that I have answered to the Presentment, Not Guilty, my chief and only Plea that I think to make use of, unless ye will say that so to do is a Contempt of the Court, and of your Authority, which by no means I would be guilty of, my chief Plea is, That I am not presentable by the Grand Jury for any thing alledged against me, they being no Offences against the King, Governour nor Country; what I have said was only against particular Persons, who if they think themselves wronged by me, may Sue me in their own Names, and I am ready to answer them.

Court & Clerk. *It is no Contempt of Court, but the season of your so pleading is over, you should have said so before you pleaded Not Guilty; now you must submit to be tried by the Country.*

G.K. I knew not this Formality in Law; ye told me, ye would take no advantage againſt me in that reſpect. But the Clerk ſtill preſſing him to come to a Tryal, *G.K.* further ſaid, I think not to make any other Plea; for the things for which I am preſented are not againſt the King, Governour, nor any Nuſance to the Country; nor againſt particular Perſons, as Magiſtrates, and therefore not preſentable.

Clerk. *If ye refuſe to be tryed by the Jury, the Bench has Power to fine you.*

G.K. I ſhall take my hazard of that; I have able Council that the things whereof I am accuſed are not preſentable by the Grand Jury.

D. Lloyd. *If able Council has ſo adviſed thee, their Counſel has failed in this.*

G.K. To call a Man *Proud* and *Imperious* is not Actionable.

D. Lloyd. *Tho' not Actionable, yet Preſentable.*

G. K. If not Actionable, not preſentable.

D. Lloyd. *That is not a good Conſequenee.*

But let all Impartial Readers judge, whether it be not a good Conſequence, that if Words ſpoken concerning particular Perſons, not as Magiſtrates, be not actionable, that therefore they are not preſentable; becauſe, for what are they preſentable, ſeeing they are neither againſt the *King*, nor *Governour*, nor *Country*, nor particular Men as *Magiſtrates*?

D. Lloyd. *There is a Law of this Province, that no words of Defamation muſt be ſpoken againſt a Magiſtrate; nor ſhall any ſpeak ſlightingly or abuſively of them, which thou haſt done.*

G. K. They were not ſpoke to him as a Magiſtrate, nor when he was in the exerciſe of his Office; and to call him *High* and *Imperious*, doth not reflect on him as a Magiſtrate: If I had called him *Ignorant* in the Laws, and *Unjuſt* in the Execution of them, this would have reflected on him as a Magiſtrate, but not to call him *High* and *Imperious*; for *Piety*, whereof *Humility* is a Branch, is no eſſential Qualification of a Magiſtrate, tho' it be of a Chriſtian and Miniſter of Chriſt; the only eſſential Qualifications of a Magiſtrate, are to be *knowing the Laws*, and *juſt in the execution of them.*

[*Note*, That it is no Reflection on a Taylor, Shoe maker, or the like Trades-man, to be called Proud, for he may be a good Artificer, altho' he be proud: but to be proud reflecteth on him as he profeſſeth to be a Chriſtian or Miniſter of Chriſt. And this diſtinction *S. Jenings* muſt needs allow, unleſs he will ſay, that when he exerciſeth his Magiſterial Office he is no Chriſtian, but wholly putteth off his Qualifications of a Chriſtian, as a man putteth off one Garment and putteth on another. But if he will ſay he is ſtill a Chriſtian, as well as a Magiſtrate,

giſtrate, then he ought to be humble, meek and forbearing, eſpecially to his Fellow Church-Members, not high and imperious, and exacting the ſeverity of the Law of them; for even the Law ſaith, *Summum jus, Summa Injuria*, i. e. *The Rigour of the Law is high Injuſtice*; for if the Law of *England* be *Lex Miſercordiæ*, as it is called, then well may the Law of *Chriſtianity* be called *Lex Miſercordiæ*, i e. *The Law of Mercy*, that is, forbearing, and exacteth not the utmoſt Farthing.

Note further, That one Reaſon of theſe words being mentioned in the *Plea of the Innocent*, viz. *That* S. Jenings *had ſhown himſelf too high and imperious in worldly Courts*, was, that a little time before he had commanded to bring one of his Fellow Members, (*viz. Samuel Buckley*) *Headlong to the Court*, and fined him Ten Pound for refuſing to come at his Command, and ſent him to Priſon, to remain without Bail till paid. Now admit he did not illegally in this, or becoming a ſevere auſtere Magiſterial Officer, yet was it not unbecoming a tender *Chriſtian*, who ſhould be *meek* and *merciful*?

G. K. Having refuſed to plead otherwiſe then as above-mentioned, *Dav. Lloyd* bid the Clerk record him *Nihil dicit*, *i.e.* he ſaith nothing. To which *G. K.* replied, Why ſhould he Record me *nihil dicit*? I think I have ſaid a great deal. And after ſome further Diſcourſe *G. K.* was ſet aſide, and *Thomas Budd* ſet to the Bar. The moſt material Diſcourſe that paſſed here follows, *viz.*

The Preſentment being read, the Clerk ſaid, *Thomas Budd, What ſay you? Are you Guilty, as you ſtand here preſented, or Not Guilty?*

T. Budd. Not Guilty, as there preſented, but own my ſelf to be one of the Authors of that Book, called, *The Plea of the Innocent.*

Clerk. *By whom will you be tried?*

T. Budd. By God and the Country.

D. Lloyd, as Attorney againſt him, pleaded, *That to call a man Proud and Ignorant, was to reflect on the Governour that conſtituted him*, &c.

G. Keith in behalf of *Tho. Budd*, anſwered, That what was there ſaid of *Sam. Jenings*, as to calling him *Ignorant* and *Preſumptuous*, was not ſaid of him as he was a Magiſtrate, but as he profeſſed himſelf to be a Chriſtian and Miniſter of Chriſt; I penn'd thoſe words in the *Plea of the Innocent*, concerning *S. Jenings*, and know they were not intended againſt him as a Magiſtrate, as the foregoing words in that Book do manifeſt; but that he is ignorant in Divinity, that Book gives an Inſtance, and we now here affirm, elſe he would never have ſaid, *That to do Gods Buſineſs, we need God's Power; but to do our own Buſineſs, as men, we needed not a Supernatural Power*, nor have joyned with them that ſay, *The Light within is ſufficient to Salvation without any thing elſe*, thereby excluding the Man Chriſt Jeſus from having any part in our

Salvation. And our calling him *Presumptuous* and *Insolent* did relate to his severe pressing me to an absolute Submission to their Judgment, in a matter of Conscience, when as *S. F.* refused to submit to the Judgment of Friends, both here and at *London*, in worldly matters; also, his calling me *Apostate, and worse than Prophane,* in a Publick Meeting, as well as in private, and saying, *We shall let thee know,* George, *that we shall judge thee:* And his Signing that Paper of the 28. against me, wherein they so boldly assert, *That they have tenderly and orderly dealt with me;* when as they never dealt with me.

After some further pleading, the Jury were called, and *Tho. Budd* was asked, *If he had any Exceptions to make against any of them?*

Tho. Budd. Yes, I except against all of them that are called *Quakers,* because I perceive they are them that are Parties against me.

D. Lloyd. *That is too general, and is no Exception in Law.*

Tho. Budd. I except particularly against *Rich. Walter,* because he Signed the Paper of the 28. against us (which this Book was an Answer to) and against *James Fox,* because he signed a Paper in the Quarterly against us; and I except against *Joseph Kirle* and *John Whitpane,* because they have spoke against *G. K.* and me, and justified these Presentments against us.

But these Exceptions would not be allowed of, and therefore the above-named Jurors went forth, and next Morning brought in their Verdict, *That* Thomas Budd *was guilty of saying,* Samuel Jenings *had behaved himself too high and imperiously in Worldly Courts.*

To which *Tho. Budd* and *Geo. Keith* pleaded, That it was no Verdict, not being found to be a Breach of any Law, any more than the Verdict of the Jury at *Old Bayly,* which was, *That they found* W. Penn *guilty of speaking in Grace Church-street,* which the Court took to be a clearing of him. But this was nothing regarded by our Justices, for they proceeded and gave Judgment against *Thomas Budd* and *George Keith,* viz. *That they should each of them pay Five Pound a piece, as a Fine.* And tho' in this case *S. Jenings* was the Person only concerned as the Adversary Party, yet he sat on the Bench when they gave Judgment against *G. K.* and *T. B.* which was judged most unreasonable and illegal, that *Sam. Jenings,* (who is the Governour's Receiver of all Fines and Forfeitures) should be so actively concerned in fining these Men, having so manifestly before shewed his Prejudice against them. Beside, it being expresly contrary to a Vote of an Assembly of this Province, the 3d Month, 1689. (where *Arthur Cook* was Speaker) *viz.*

Resolved, Nemine contradicente, *That it is an Agrievance that any Person who is commissionated or appointed by the Governour to receive the Governour's Fines, Forfeitures and Revenues whatsoever, shall sit in Judgment*

in

in any Court of Judicature within this Government, in any matter or cause whatsoever, where a fine or forfeiture shall or may accrue to the Governour.

But *Arthur Cook* could not wink at this Agrievance, and let *Samuel Jenings* sit on the Bench when these Persons were Fined.

But for a further proof that *Sam. Jenings* has shown himself too High and Imperious, observe what follows, *viz.*

1*st*, That when *G. K.* was pleading in Court, and showing how *S. J.* had behaved himself too high and imperious, he said, *If this be High and Imperious, I will be yet more High and Imperious.*

2*dly*, Upon the Jury's bringing in their Verdict against *Tho. Ashly*, *S. J.* thus menaces him, *viz. Thou told me formerly that I had done my worst, but now thou art fallen into my hands, thou shalt know that I have not done my Worst yet.*

3*dly*, He said to another Person, *Thou shalt have as little Justice as I can.*

4*thly*, He said to *John Skeen*, who had been Governor, and was then Judge, *Thou pitiful Whip-jack, I despise thee*; and yet we find not that *John Skeen* had him presented or prosecuted at Court for this more than ordinary abusive and scurrilous Expression, short of common Humanity; and yet this is he who now can say, He will bear no affront, thereby showing how unlike he is to a true Christian, and even to many as well Heathen as Christian Magistrates, who have born with Patience great Affronts and Reflections from Persons far inferior to them.

5*thly*, Another instance of *S. J*'s Pride and Insolency is, that on the 10*th* on the 10*th* Month, coming out of Court, said to *Ralph Ward* and *John M*ᶜ *Comb*, in the open Street, before many Witnesses, *If I draw forth my hand against you,* (stretching forth his Arm and shaking it) *I will not pull it in until I have quelled you all.* This presumptuous Expression savoureth too much of *Lucifer*'s Pride, who said *I will be like the most High, I will exalt my Throne above the Stars of God*, Isa. 14. 13, 14. It is too high an Expression, and too peremptory for any mortal Man to say, *If I draw forth my hand, I will not pull it in until I have quelled you all.* What is this in a manner, but to equal himself to God Almighty, *Deut.* 32. 40, 41. *For I lift up my Hand to Heaven, and say, I live for ever, If I whet my glittering Sword, and mine Hand take hold on Judgment, I will render vengeance to mine Enemies*, &c. Oh! is it not above the Power of mortal Man, to say, *If I draw out my Hand, I will not pull it in until I have quelled you all?* Is not this to talk as if he were the Almighty? But know, O vain weak Man! thy Breath is in thy Nostrils, and that Infinite Power that made thee, (if thou draw forth thy Hand against the Innocent, glorying in thy Power that is but small) may cause thy Hand to Wither or turn Leprous, and lay thy Body and Power in the Dust, and cast both Soul and Body into

into Hell-fire. And therefore repent of this thy abominable *Pride* and *Insolency* before it be too late.

And tho' *Sam. Jenings* is now so zealous for the prosecuting them that say any thing against Magistrates, yet it's not long ago that he spoke much against *Tho. Lloyd*, Deputy Governour, and carried about (out of one County into another) a parcel of Lampooning Rhimes, made against *T. L.* call'd *Taffy's Fair*, which he repeated over his Pots of Beer to make sport for the Company.

But to return, altho' the Jury brought in a special Verdict, which was only, *That* Thomas Budd *was guilty of saying*, Sam. Jenings *had shown himself too high and imperious in Wordly Courts*, which is no Transgression of any particular Law, yet the Bench gave Judgment against them as tho' they had broke some Law, which was, *That* G. K. *and* T. B. *should pay* 5 l. *a piece*. Whereupon they finding themselves aggrieved by this Judgment, craved an Appeal to the Provincial Court in Law, which was denied them. Then by Advice of able Council, they requested an Appeal to the King and Queen, and their Council in *England*, the King having reserved all Final Appeals to himself, in the Charter to *W. P.* But this also was denied them, (tho' *Robert Turner* declared his dissent in this matter, as in several other their Proceedings) so that the said Persons are left without all help or remedy, but must undergo the Arbitrary Sentence of this Court.

And as a further Mark of the miserable declension of these men, and of their cold zeal for the honour of God, take a view of two Laws which they now execute; the first is the *5th* Chapter of their Laws, where it is enacted, *That whosoever shall speak loosely and prophanely of Almighty God, Jesus Christ, the holy Scriptures or Spirit of Truth, shall for every such Offence pay* 5 s. The other place is *Chap.* 29. where it is enacted, *That whosoever shall speak slightingly, or carry himself abusively against a Magistrate, shall for every such Offence suffer according to the Quality of the Magistrate, provided it be not less than* 20 s. according to which Law they have Fined *Peter Bos* Six Pound, and *G. K.* and *T. B.* each Five Pound, for speaking slightingly of *Sam. Jenings*, as they pretend. Whereas if they had spoke Prophanely of *Almighty God, Jesus Christ*, the *Spirit of Truth*, or *holy Scriptures*, the Law inflicts but 5 *s.* Were not these Men far more zealous for their own Honour than the Honour of God, they would never let this disproportion of Punishment for Offences against Almighty God and poor Mortal Man, stand upon Record thus, to their Shame and Infamy.

The 10*th* of the 10*th* Month, 1692. *William Bradford* was called into Court, and set to the Bar.

The Presentment read, the substance of which was, *That they presented the* 9, 10, 11, *&* 12. *Articles of the Paper, call'd*, An Appeal, *&c.*

as

as being of a tendency to weaken the hands of the Magiſtrates. And we preſent William Bradford *for printing of the ſaid Seditious Paper*, &c.

Clerk, *What ſay you*, William Bradford, *are you guilty as you ſtand preſented, or not guilty?*

W. Bradford, In the firſt place, I deſire to know, whether I am clear of the *Mittimus*, which differs from the Preſentment.

The Clerk and Attorney read and peruſed the *Mittimus* and Preſentment, and finding them to differ, ſaid, *That when* W. B. *was cleared according to Law, he was cleared of the* Mittimus.

But *W. B.* inſiſted to know, Whether on the iſſue of the Preſentment, he was clear of the *Mittimus*? And after a long debate thereon, anſwer was made, *That* W. B. *was clear of the* Mittimus *on the Iſſue of the Preſentment.*

Next *W. B.* deſired to know what Law that Preſentment was grounded on.

D. Lloyd, *It is grounded both on Statute and Common Law.*

W. B. Pray let me ſee that Statute and Common Law, elſe how ſhall I make my Plea? Juſtice *Cook* told us laſt Court, *That one reaſon why ye deferred our Trial then, was, that we might have time to prepare our ſelves to anſwer it*; but ye never let me have a Copy of my Preſentment, nor will ye now let me know what Law ye proſecute me upon.

D. Lloyd *and* J. White, *It's not uſual to inſert in Indictments againſt what Statute the Offence is, when it's againſt ſeveral Statutes and Laws made, and if thou wilt not plead Guilty or not Guilty, thou wilt loſe thy Opportunity of being Tried by thy Country.* And they order'd the Clerk to write down that *W. Bradford* refuſed to plead; which he did; but as he was writing it down, *W. B.* deſired they would not take that advantage againſt him, for he refuſed not to plead, but only requeſted that which was greatly neceſſary, in order to his making his own Defence; and ſeveral in the Court requeſting on the Priſoners behalf, that the Court would not take advantage againſt him, they admitted him to plead, and he pleaded, *Not Guilty.*

Then the Jury were called over, and atteſted, *viz. Humphry Waterman, Joſeph Kirle, James Fox, Samuel Hoult, Thomas Wharton, Tho. Marle, Nicholas Rideout, John Whitpane, Richard Sutton, Richard Walter, Thomas Morris, Abraham Hardiman.* But before they were atteſted, they asked *W. B.* if he had any Exceptions to make againſt any of them that were returned for the Jury?

W. Bradford, Yes, I have, and particularly againſt two of them, (and which Exceptions I think are rational,) and that is againſt *Joſ. Kirle* and *James Fox*; for at the time when I was committed to Priſon *Arthur Cook* told me, That *Joſeph Kirle* had ſaid, *That if the proceedings of the Magiſtrates was thus found fault with, that they muſt not defend themſelves*

themſelves againſt Thieves and Robbers, Merchants would be diſcouraged of coming here with their Veſſels, &c. And I except alſo againſt *James Fox*, becauſe on the firſt day after *Babit* and his Company were taken, I being at *Sam. Carpenter's*, there was Governor *Lloyd*, *James Fox*, and ſeveral others, and in diſcourſe concerning taking of the ſaid Privateers, *James Fox* greatly blamed *W. Walker*, becauſe he found fault with ſome Juſtices that were *Quakers*, for commanding men, and as it were preſſing them to go againſt the ſaid Privateers; and alſo *James Fox* joined with *Tho. Lloyd* in ſaying, *He would mark them as Enemies to the Government and well-being of the Province, who were neutral in the caſe of going againſt* Babit, *&c.* By which Inſtances I think it appears that theſe two Perſons have prejudg'd the Cauſe that is now to come before them; *Joſeph Kirle* acknowledged he had ſpoke ſuch words, and deſired to be diſcharged; but they would not allow of thoſe Exceptions, altho' it is frequent in theſe Courts to change Jurors on barely ſaying they do except againſt ſuch a one.

D. Lloyd *and* Clerk, *Theſe are no Exceptions in Law; haſt thou at any time heard them ſay that thou printed that Paper? for that is only what they are to find.*

W. B. That is not only what they are to find, they are to find alſo, whether this be a Seditious Paper, or not, and whether it does not tend to the weakening of the Hands of the Magiſtrate.

D. Lloyd, *Yea, that is matter of Law, which the Jury is not to meddle with, but find whether* W. B. *printed it or no, and the Bench is to judge whether it be a Seditious Paper, or not; for the Law has determined what is a Breach of the Peace, and the penalty, which the Bench only is to give judgment on.*

Sam. Jenings, *You are only to try whether* W. B. *printed it, or not.*

W. Bradford, This is wrong; for the Jury are Judges in Law, as well as in matter of Fact. Which *D. Lloyd* again denied. Whereupon ſome of the Jury deſired to know what they were to be atteſted to try, for they did believe in their Conſciences, they were obliged to try and find whether that Paper was Seditious, as well as whether *Will. Bradford* Printed; and ſome of them deſired to be diſcharged. —A great Noiſe and Confuſion among the People.

Some on the Bench ſhowing their willingneſs to allow of *W. B's* Exceptions againſt the two Jurors, Juſtice *Cook* ſaid, *I will not allow of it; is there four of us of a mind?*

Then *D. Lloyd* began to read the 9, 10, 11, and 12. Articles of the ſaid *Appeal*, and commented thereupon, denying, *1ſt, That any man were hired to fight, but only to fetch back the Sloop; 2dly, That there was no Commiſſion given, but only a Hue-and-Cry or Warrant, as might be in any other ordinary caſe, and what was done was in caſe of great neceſſity, when a*

Company

Company of Rogues had Pyratically ſtolen away a Sloop to the great terror of the People of this place; and if the Magiſtrates muſt be blamed for their proceedings herein, what do you think will be the conſequence thereof, but to encourage all manner of wickedneſs? And Will. Bradford *is preſented for printing and publiſhing this Seditious Paper, whereof you of the Jury are to find him guilty, if it appear to you that he has printed it.*

W. Bradford, I deſire you of the Jury, and all here preſent, to take notice, that what is here contained in this Paper is not Seditious, but wholly relating to a Religious Difference, and aſſerting the *Quakers* Ancient Principles, and is not laid down poſitive, that they ought not to have proceeded againſt the Privateers, but laid down by way of Query, for the People called *Quakers* to conſider and reſolve at their Yearly Meeting, *Whether it was not a Tranſgreſſion of the* Quakers *Principles to hire and commiſſionate men to fight?*

Juſtice Cook, *If it was intended for the Yearly Meeting at* Burlington, *why was it publiſhed and ſpread abroad before the Meeting?*

W. B. Becauſe it might be peruſed and conſidered of by Friends before the Meeting, even as the Bills that are prepared to be paſſed into Laws, they are promulgated a certain number of days, before the Aſſembly meets, that all may have opportunity to conſider them.

Then *D. Lloyd* read the Act againſt Printing, 14 *Car* 2. *cap.* 33. againſt Books being Printed without the Printers Name to them, and he ſaid, *That was one Act which they proſecuted* W. Bradford *upon.*

To which *G. K.* anſwer'd, and it may be obſerved, the ſingular and extraordinary Severity of theſe Juſtices, called *Quakers,* who will pick out a Statute made in *Old England,* and proſecute a man upon it here, which might Ruin him and his Family, tho' it's not certain whether that Act be in force; when as moſt of *W. Penn*'s and the *Quakers* Books were printed without the Printers Name to them, when that Act was in force; and yet we never heard that any Printer in *England* was proſecuted for that; and therefore theſe here have exceeded them in *England*; which manifeſts their Malice and revengeful Spirit, that becauſe they cannot fix the matter to be any Breach of the Peace, (tho' they pretend it is) they'll proſecute the Printer for not putting his Name to what they ſuppoſe he Printed.

Note, That all the time theſe Perſons were upon Trial, the Grand Jury ſate by them, over-awing and threatning them when they ſpoke boldly in their own defence, and one of the Jury had Pen, Ink and Paper to write down ſuch words as they diſliked, ſignifying that they would preſent them, and Juſtice *Cook* other times bid them take notice of ſuch and ſuch words, thereby over-awing the Priſoners that they had not liberty to plead freely. And when *Tho. Harris,* at the Requeſt of the Priſoner began to ſay ſomething to the matter, they

ſtopt him, and bid an Officer take him away, and *Arthur Cook* ſaid, *That he ſhould plead no more there.*

After a long time of pleading, *D. Lloyd* began to ſummons up the matter to the Jury, *How that the printed Appeal was a Seditious Paper, and tended to weaken the Hands of the Magiſtrates, and encourage all manner of Wickedneſs; and that it was evident* W. Bradford *printed it, he being the Printer in this place, and the frame on which it was printed, was found in his Houſe.*

W. B. I deſire the Jury, and all here preſent to take notice, that there ought to be two Evidences, to prove the matter of Fact, but not one Evidence has been brought in this caſe.

Sam. Jening, *The Frame on which it was printed is Evidence enough.*

W. B. But where is the Frame, there has no Frame been produced here; and if there had, it is no Evidence, unleſs ye ſaw me print on it.

Sam. Jenings, *The Jury ſhall have the Frame with them, it cannot well be brought here; and beſide the Seaſon is cold, and we are not to ſit here to endanger our Health; you are minded to put Tricks upon us.*

W. B. You of the Jury, and all here preſent, I deſire you to take notice, that here has not one Evidence been brought to prove that I printed the Sheet, call'd, *An Appeal.* And whereas they ſay, the Frame is Evidence, which the Jury ſhall have; I ſay, the Jury ought not to hear or have any Evidence whatſoever, but in the preſence of the Judge and Priſoner.

Yet this was nothing minded, but *Sam. Jenings* ſummoned up to the Jury what they were to do, *viz. To find,* 1ſt, *whether or not that Paper, call'd,* The Appeal, *had not a tendency to the weakening the hands of the Magiſtrates, and encouragement of Wickedneſs?* 2dly, *Whether it did not tend to the Diſturbance of the Peace? And,* 3dly, *Whether* William Bradford *did not print it, without putting his Name to it, as the Law requires?*

The Jury had a Room provided them, and by that time they had been a quarter of an hour together, the Sheriff cauſed the Frame to be carried in to them, for an Evidence that *W. B.* printed the Appeal.

The Jury continued about forty eight hours together, and could not agree, then they came into Court to ask a Queſtion, *viz. Whether the Law did require two Evidences to find a man guilty?* To anſwer which *D. Lloyd* read a paſſage out of a Law-Book, *That they were to find it by Evidences, or on their own knowledge, or otherwiſe: Now* (ſays *D. Lloyd*) *this otherwiſe is the Frame which you have, which is Evidence ſufficient.*

W. Bradford, The Frame which they have is no Evidence, for I have not ſeen it, and how do I or the Jury know that that which was carried in to them, is mine, ——Interrupted—— The Jury ſent forth again, and an Officer commanded to keep them without Meat, Drink, Fire or Tobacco.

In

In the Afternoon the Jury came into Court again, and told, they were not like to agree. Whereupon the Court diſcharged them.

Then *W. Bradford* told the Court, That ſeeing he had been ſo long detained Priſoner, and his Utenſils with which he ſhould work having been ſo long detained, he hoped now to have his Utenſils returned, and to be diſcharged from his Impriſonment.

S. Jenings. *No, thou ſhalt not have thy things again, nor be diſcharged, but I now let thee know, thou ſtandeſt in the ſame Capacity to anſwer next Court, as before.*

Next Court being come, *Will. Bradford* attended, and deſired to know whether he ſhould have his Utenſils, and be diſcharged. *Arthur Cook* anſwered, *Thou ſhalt not have thy Goods until releaſed by Law.*

W. Bradford. The Law will not releaſe them, unleſs executed.

Arthur Cook. *If thou wilt requeſt a Tryal, thou mayſt have it.*

Whereupon I query, *1ſt.* Whether it be practicable, or according to Law, to ſeiſe Men's Goods and impriſon their Perſons, and ſo detain them under the Terror of a Goal, one ſix Months after another, and not bring them to Trial, unleſs requeſted by the Impriſoned?

2ly. When a Jury is Sworn, *Well and truly to Try, and true Deliverance make between the Proprietor and Priſoner*, whether it be not very illegal to abſolve them from their Oath, diſmiſs them, and put it to another Jury to try?

Now it may be obſerved, that nine of theſe Jurors were Perſons prejudiced againſt *G. K.* and the reſt, and the other three happened to be moderate Perſons that were not called *Quakers*; and the reaſon they could not agree, was (as ſome of the ſaid Jurors, called *Quakers*, have told) that theſe three Perſons ſtood upon the Nicety (as they call'd it) of Evidence that *W. B.* printed that Paper; whereas the other Jurors, called *Quakers*, ſaid, they believed that *W. B.* printed it, and that it was a ſeditious Paper, *&c.* and they would not acquit him.

Does not this ſhow the great Declenſion of theſe People from their ancient Principle againſt the uſe of Carnal Weapons, that for only propoſing it to be enquired into, Whether it be not a Tranſgreſſion of the *Quakers* Principle, for any of that People to hire and commiſſionate men to fight, that they will caſt men into Goal, and proſecute them as Seditious Perſons for ſo doing.

Here follows a Breviate of a Paper that was preſented to the Court, to ſhow, that it was agreeable to the *Quakers* ancient Teſtimony, not to fight, which they took little or no notice of.

A

A Declaration from the People of God, called Quakers, *against all Plotters and Fighters, &c. Presented to the King,* 1660.

ALL Bloody Principles and Practices, we, as to our own particulars, do utterly deny, with all outward Wars and Strife, and Fightings with outward Weapons, for any end (*mark*) or under any pretence whatsoever. And this is our Testimony to the whole World. — And we do certainly know, and so testifie to the World, that the Spirit of Christ, which leads us into all Truth, will never move us to fight and war against any man with outward Weapons, either for the Kingdom of Christ, nor for the Kingdoms of this World. — We have used no Force nor Violence against any man, *&c.* when we have been wronged, we have not sought to revenge our selves. — So that if we suffer as suspected to take up Arms, or make War against any, its without any ground from us; for it neither is, nor ever was in our Hearts since we owned the Truth of God, neither shall we ever do it, because it is contrary to the Spirit of Christ, his Doctrine, and the Practice of the Apostles. Given forth by

George Fox,	*John Stubs,*	*Leonard Fell,*
Rich. Hubberthorn,	*Francis Howgill,*	*Samuel Fisher,*
John Boulton,	*Gerrard Roberts,*	*Henry Fell,*
John Furley, jun.	*Thomas Moore,*	*John Hind.*

See also *Rob. Apology,* Thes. 15. § 13. p. 299. And § 15. p. 407. he says, 'As to what relates to the present Magistrates of the Christian 'World, albeit we deny them not altogether the Name of *Christians,* 'because of the publick Profession they make of Christs Name, yet we 'may boldly affirm, that they are far from the Perfection of the *Christian Religion,* because of the state in which they are, they have not 'come to the pure Dispensation of the Gospel; but for such whom 'Christ hath brought hither, it is not lawful to defend themselves by 'Arms, but ought over all to trust in the Lord.

Object. *The Scriptures and old Fathers, so called, did only prohibit private Revenge, not the use of Arms for the Defence of our Country, Bodies, Wives, Children, Goods, when the Magistrate commands it.*

Answ. 'If the Magistrate be truly a *Christian,* or desires to be so, he 'ought in the first place to obey the Command of his Master, saying, '*Love your Enemies, &c.*

R B's Answer to *Brown,* § 16. p. 181. *Brown* mentions the necessity of *Defensive War,* to defend from those that unjustly assault, and Thieves, Robbers and Cut-throats, *&c. R. Barclay* saith, Herein he speaks more like an *Atheist* than a *Christian,* and like one who believeth nothing of a Divine Providence in restraining Evil Men.

F I N I S.